

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Jerald Louis Whitley

Docket No. 7:07-CR-142-1FL

Petition for Action on Supervised Release

COMES NOW Matthew A. Fmura, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jerald Louis Whitley, who, upon an earlier plea of guilty to Conspiracy to Possess With the Intent to Distribute More than 500 Grams of Cocaine, 21 U.S.C. § 846 and Possession of a Firearm in Furtherance of a Drug Trafficking Crime, 18 U.S.C. § 924(c)(1)(A), was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on September 15, 2008, to the custody of the Bureau of Prisons for a term of 153 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

On August 5, 2013, a reduction of imposed term of imprisonment pursuant to 18 U.S.C. § 3582(c)(2) of the Federal Rules of Criminal Procedure, the defendant's sentence of imprisonment in Count 1 was reduced to 77 months.

On December 18, 2014, a reduction of imposed term of imprisonment pursuant to 18 U.S.C. § 3582(c)(2) of the Federal Rules of Criminal Procedure, the defendant's sentence of imprisonment in Count 1 was reduced to 64 months. Jerald Louis Whitley was released from custody on June 7, 2016, at which time the term of supervised release commenced.

On December 16, 2016, a violation Report was filed for associating with a convicted felon and failure to report law enforcement contact. Supervision was continued without modification.

On January 23, 2018, a Petition for Action was filed in response to admitted drug use to include enrollment in the DROPS program.

On January 7, 2019, a Motion For Revocation was filed in response to the defendant committing the offenses of Driving While Impaired, felony Possession of Cocaine, misdemeanor Possession of Marijuana up to ½ Ounce, and misdemeanor Possession of Marijuana Paraphernalia in Johnston County, North Carolina (19CR50021-2) on January 1, 2019. Additionally, Whitley failed to notify the U.S. Probation Officer of this arrest and charges. A warrant was issued for Whitley's arrest on January 16, 2019 and was taken into custody on January 22, 2019. On January 29, 2019, the defendant was released on conditions of bond. A Violation Report was filed on March 8, 2019 in response to admitted cocaine and marijuana use on February 20, 2019. On April 9, 2019, a Judgment was entered after Whitley was found to have violated his supervision conditions and ordered Whitley's term of supervised release be revoked. It was further ordered the defendant be placed on supervised release for a term of 48 months with conditions originally imposed, and to participate in, and complete, the STAR (Striving To Achieve Recovery) Drug Court Program as directed by the probation officer.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Participation in the STAR (Striving To Achieve Recovery) Drug Court Program requires alcohol abstinence, cognitive behavioral intervention and intermittent jail sanctions in response to drug/alcohol use (DROPS). The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

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1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
2. The defendant shall participate in a cognitive behavioral program as directed by the probation office.
3. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Matthew A. Fmura
Matthew A. Fmura
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2345
Executed On: April 16, 2019

ORDER OF THE COURT

Considered and ordered this 17th day of April, 2019, and ordered filed and made a part of the records in the above case.


Louise W. Flanagan
U.S. District Judge